THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 7986 OF 2006

Date: 20.04.2006

Between:

C. Narayana Reddy

… Petitioner

and

The Govt. of A.P. rep.,by its Principle Secretary, Irrigation & CAD Department., Secretariat, Hyderabad.

… Respondent.

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WRIT PETITION NO. 7986 OF 2006

ORDER:

Heard Sri K. Venugopal Reddy, learned Counsel appearing on behalf of Sri M.V. Pratap Reddy, learned Counsel for the petitioner and Sri P. Govind Reddy, learned Counsel appearing on behalf of the 5th respondent and at their request, the writ petition is disposed of at the stage of admission.

The grievance of the petitioner, in short, is that while his period of deputation of five years to the Thungabadhra Board is to expire by 31st May 2006, his transfer under the impugned proceedings dated 17.04.2006 requiring him to work in another Sub-Division, would entail his being posted there at for a

minimum period of one year i.e.,upto 16.04.2007, necessitating his having to continue to serve the Tungabhadra Board till 16.04.2007 though the period of his deputation of five years would end by 31st May 2006. Learned Counsel would place reliance on Clause 5.2 of the Tungabhadra Board posting and transfer instructions in this regard. Clause 5.2 and 5.3 read as under:

> 2. To implement the above spells in a tenure of 5 years, internal posting and transfers of officials shall be carried out every year during the month of April and shall be completed by the end of April every year. Through such internal transfers every Sub-Divisional Officer/Section Officer shall be rotated according to the 3 spells of tenure mentioned in para 5.1.
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> 3. The rotations of Sub-Divisional Officers/Section Officers from the posts in HLC to LLC Divisional or vice versa are possible only if equal number of vacancies becomes available in the respective Divisions. In case a Sub-Divisional Officer/Section Officer cannot be shifted after 2 years from one Division to another for want of vacancies, he shall be shifted from one Sub-Division to another Sub-Division in a same Division.

It is clear therefrom that within the tenure period of five years a person, posted on deputation, is required to be internally posted and transferred to different Sub-Divisions by rotation in three spells. This internal transfer for period of atleast one year each, is within the overall period of five years and as such the apprehension of the petitioner that he would be continued in service beyond 31.05.2006 is misplaced.

Sri K. Venugopal Reddy, learned Counsel for the petitioner, would further contend that since the petitioner is, in any event, required to be repatriate back to his parent department after 31.05.2006, his now being transferred to a different division for a short period of 45 days would cause needless dislocation of his family which, in the given circumstances, is wholly unnecessary. Though I find considerable force in this submission, it is well settled that transfer is an incident of service and it is not for Courts to, ordinarily, interfere in such matters of transfer. I consider it appropriate to permit the petitioner herein to submit a representation, to the 3rd and 4th respondents, explaining his difficulties and to seek retention in the very same place for this short period of 45 days till his tenure ends by 31st May 2006. I have no reason to doubt that, on such a representation being filed within three days from today, the respondents will consider the case of the petitioner sympathetically and pass appropriate orders on his representation within one week thereafter.

Date: 20.04.2006 RAMESH RANGANATHAN, J

Note: Issue Copy by tomorrow.

B/o

MRKR